



**US Army Corps  
of Engineers.**

Nashville District

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# Public Notice

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Public Notice No. 08-64

Date: October 6, 2008

Application No. 2002-01549 Expires: November 5, 2008

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Please address all comments to:  
Nashville District Corps of Engineers, Regulatory Branch  
Attn: Tammy R. Fudge  
PO Box 218, Grand Rivers, KY 42045  
tammy.r.fudge@usace.army.mil

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**JOINT PUBLIC NOTICE**  
**US Army Corps of Engineers**  
**Commonwealth of Kentucky**

**SUBJECT:** Proposed Clamshell Dredging between Tennessee River Miles 17.9 - 18.2, Left Bank, Marshall County, KY

**TO ALL CONCERNED:** The project described below has been submitted for a Department of the Army (DA) Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Before a permit can be issued, certification must be provided by the Commonwealth of Kentucky, Division of Water, pursuant to Section 401(a)(1) of the CWA, that applicable state water quality standards would not be violated. By copy of this notice, the applicant applies for the required certification.

**APPLICANT:** Westlake Vinyls, Inc.  
P.O. Box 712  
2468 Industrial Parkway  
Calvert City, Kentucky 42029

**LOCATION:** Between Tennessee River Miles 17.9 - 18.2, Left Bank, Marshall County, Kentucky. USGS Map: Calvert City, KY. LAT: N37-03-12, LONG: W88-19-63.

**DESCRIPTION:** The proposed work consists of dredging approximately 4,000 cubic yards of mud, sand, and gravel from a 100' wide x 2,100' long area that parallels the existing commercial barge mooring facilities (cells) at the subject location. The material would be removed by clamshell dredge, temporarily placed and dewatered on deck barges, and then disposed at a certified sanitary landfill managed by LWD Sanitary Landfill, Inc., located at 1571 Shar-cal Road, Calvert City, Marshall County, KY. The purpose of the work is to restore the terminal to an original bottom elevation of 288 m.s.l.

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Approximately 5,000 cubic yards of material was dredged from the adjacent 95' wide X 765' long salt/caustic barge slip in 2007. The mooring area and the salt/caustic barge slip are also being evaluated under this action for a ten-year maintenance dredging permit. The navigation channel and normal pool elevations at this location are 288 and 301.7 m.s.l., respectively. Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the Clean Water Act. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

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An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA permit.

Based on the limited scope of the project, the Corps has determined the dredging activities, as proposed, would have no potential to affect historic properties eligible for listing in the National Register of Historic Places. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting significant sites or properties exist that may be affected by this work, or that adequately documents a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the State Historic Preservation Officer.

This public notice also serves as coordination with the U. S. Fish and Wildlife Service (USFWS) regarding threatened or endangered species, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

*The Mussel Survey of the EDC/Propane Docks for Westlake Vinyl Corporation, Tennessee River Mile 17.8 - 18.2 L, Marshall County, KY was performed in July 2003 and submitted to the USFWS. No federal or state listed threatened or endangered mussel species were located during this survey. Prior to dredging this area, a new mussel survey would be conducted. In August 2006, mussels were relocated from the salt/ caustic barge slip prior to dredging in 2007. This relocation effort was documented in the report titled, Mussel Relocation from a Proposed Dredge Area within the Westlake Vinyls, Inc. Salt Slip at TRM 18.2 along the Left Descending Bank in Marshall County, KY. No federal or state listed threatened or endangered mussel species were located during the relocation.*

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before November 5, 2008 will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Tammy R. Fudge, at the above address, telephone (270) 362-7523, or at [tammy.r.fudge@usace.army.mil](mailto:tammy.r.fudge@usace.army.mil).

Exhibit A  
Vicinity Map  
File No. 2002-01549  
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Proposed Dredging Location  
TRM 17.9-18.2 L  
Marshall Co. KY  
USGS Map: Calvert City, KY

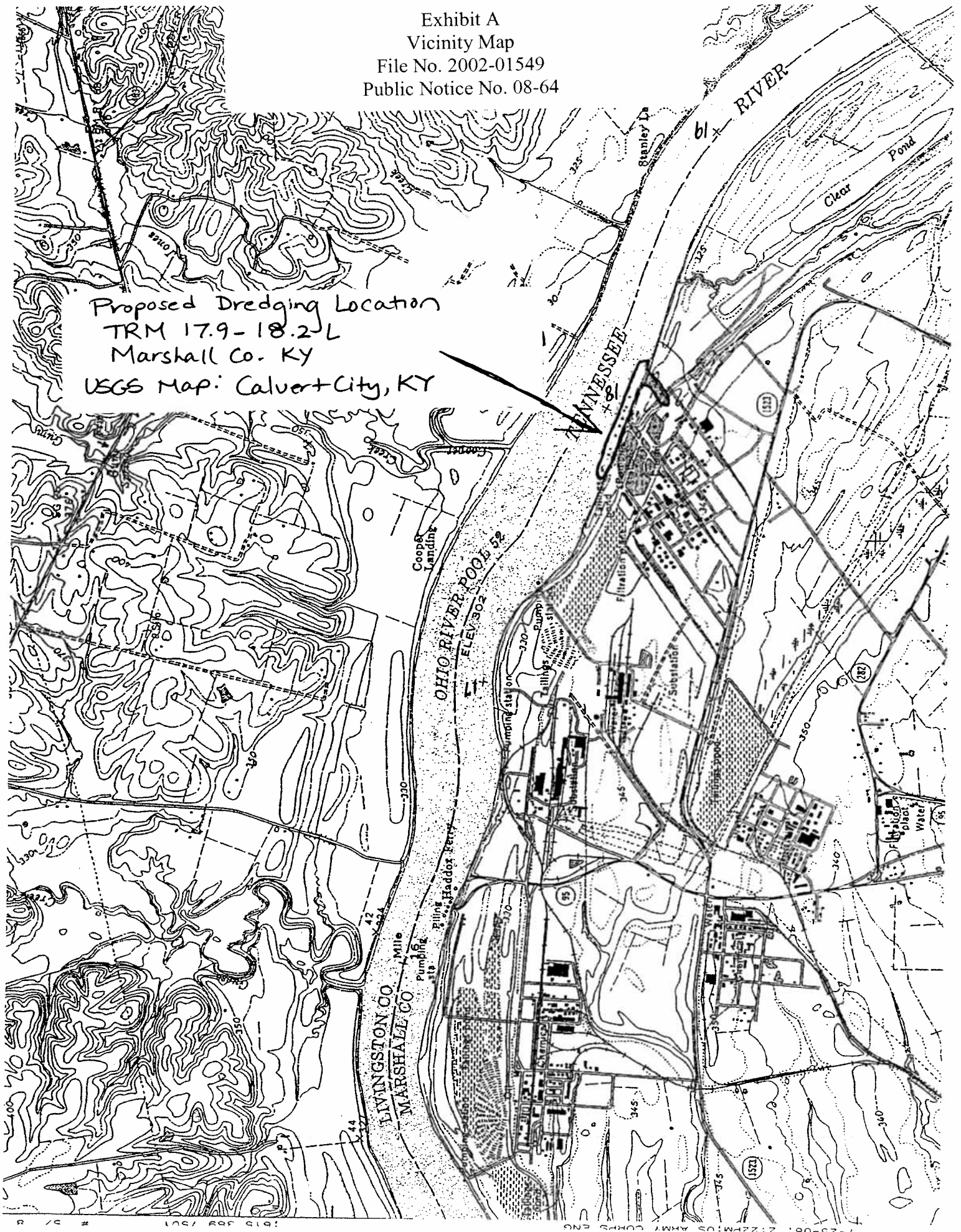
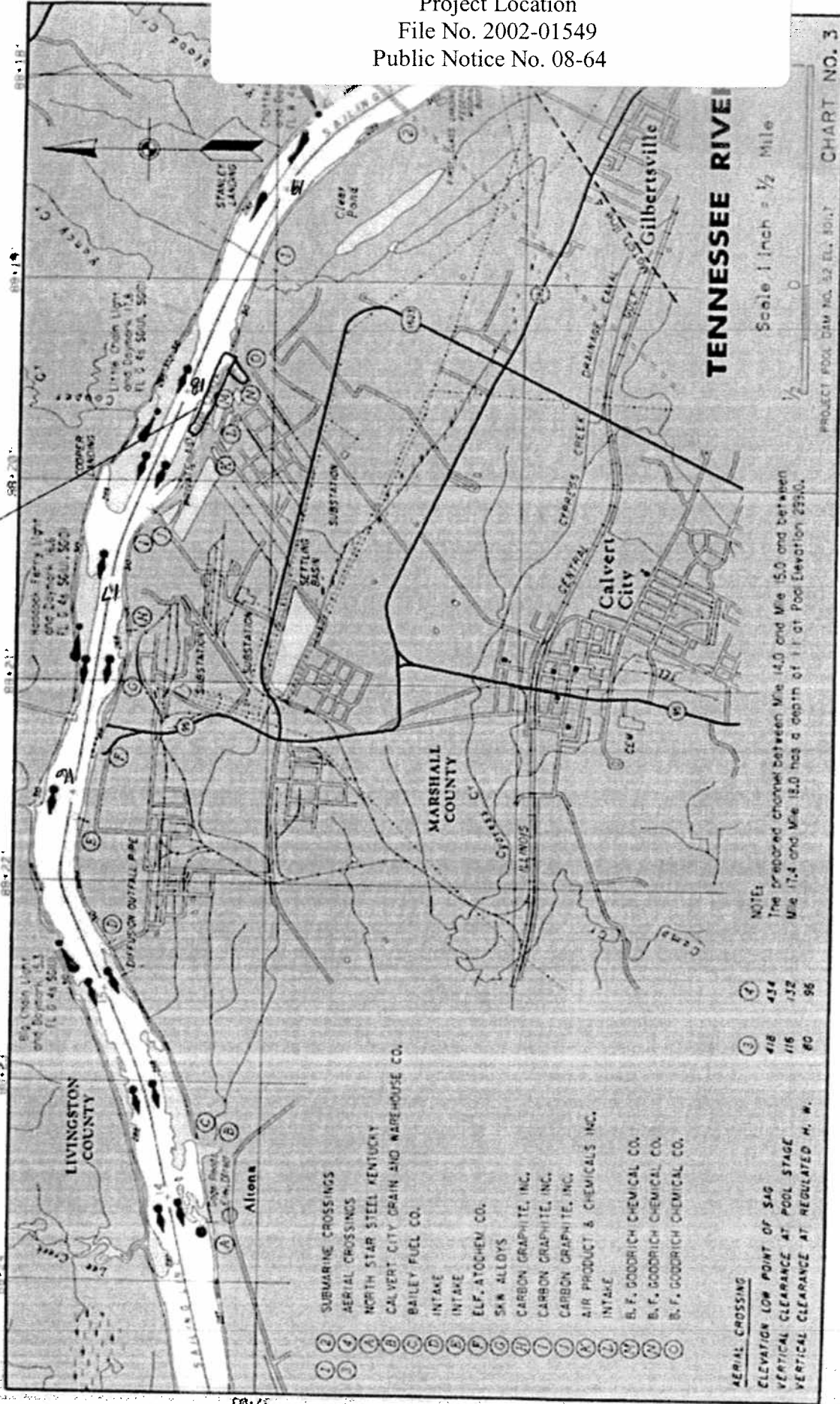


Exhibit B  
Project Location  
File No. 2002-01549  
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Project Site



File No. 2002-01549

Vicinity Map  
Maintenance Dredging of Barge Moving  
Facilities  
Westlake Vinyls, Inc.  
Calvert City, Ky.  
Navigation Chart No. 3

PROPOSED DREDGING AREA //////////////  
2,100' Length

FIGURE 2 - PLAN VIEW

# MAINTENANCE DREDGING OF BARGE MOORING FACILITIES

WESTLAKE VINYL, INC.  
CALVERT CITY, KY

AUGUST 2002

